

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Joseph H. Pratt, #264698,)	C/A No.: 9:06-0151-JFA-GCK
)	
Plaintiff,)	
vs.)	O R D E R
)	
Nurse Lawson,)	
)	
Defendant.)	
_____)	

The *pro se* plaintiff, Joseph Pratt, initiated this action pursuant to 42 U.S.C. § 1983 alleging he received inadequate dental care from Nurse Lawson while he was detained at the Sumter-Lee Regional Detention Center.

The Magistrate Judge assigned to this action¹ has prepared a detailed Report and Recommendation wherein he suggests that the defendant was not properly served with the complaint in this action. The Magistrate Judge also suggests that the entry of default entered against defendant Lawson was premature and should be vacated. He suggests that the plaintiff be directed to resubmit a USM-285 form and summons with specific identifying information as to defendant Lawson and that the United States Marshal be served with a copy of all pleadings filed in this case. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The plaintiff was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on April 24, 2008. He has not filed objections² to the Report within the prescribed time limits.

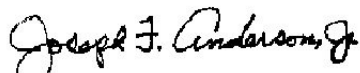
After carefully reviewing the applicable law, the record in this case, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. The court, therefore, adopts the recommendation of the Magistrate Judge in full and incorporates this Report by specific reference.

Accordingly, the plaintiff shall carefully review the Report, paying particular attention to pages 6 through 8, and follow the Magistrate Judge's detailed instructions to attempt proper service on the defendant.

The Clerk is hereby directed to vacate its entry of default and return this file to the Magistrate Judge for further proceedings.

IT IS SO ORDERED.

May 27, 2008
Columbia, South Carolina


Joseph F. Anderson, Jr.
United States District Judge

² Under 28 U.S.C. § 636(b)(1), the district court is obligated to conduct a *de novo* review of every portion of the Magistrate Judge's Report to which objections have been filed. The court reviews the Report only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005). *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to timely file specific written objections to the Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985).